

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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UNITED STATES OF AMERICA

2005 JAN 10 P 3:40

v.

Crim. No. 04-30020-MAP RT

MARIO ESPINO,

Defendant.

MOTION FOR EXCLUDABLE DELAY
PURSUANT TO THE SPEEDY TRIAL ACT, 18 U.S.C. § 3161

The United States of America, by Michael J. Sullivan, United States Attorney for the District of Massachusetts, submits the following motion for an order of excludable delay for the following periods of time in addition to those periods previously excluded:

1. from September 14, 2004, the date on which the defendant filed his motion to compel discovery, through October 28, 2004, the date on which the Court heard arguments and allowed the defendant's motion, in part, pursuant to 18 U.S.C. § 3161(h)(1)(F);
2. from October 28, 2004, the date on which the Court ruled on the defendant's discovery motion, through January 5, 2005, the date of the most recent status conference, during which time the defendant was arranging to have his expert weigh the drugs at issue in the case and report his findings, pursuant to 18 U.S.C. § 3161(h)(1)(F) and (h)(8)(A);
3. from December 8, 2004, the date on which the defendant filed his motion to continue the status conference, through December 9, 2004, the date on which the Court granted that motion, pursuant to 18 U.S.C. § 3161(h)(1)(F); and
4. from January 5, 2005, the date of the final status conference at which time the defendant reported on the results of his expert's analysis and indicated that he was considering plea, motion, and further discovery

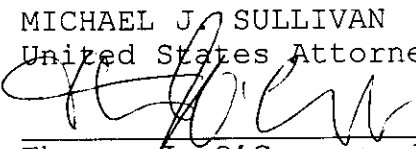
options, through February 10, 2005, the scheduled date for the initial pretrial conference at which time the defendant will report on those matters, pursuant to 18 U.S.C. § 3161(h)(8)(A).

A total of thirty-four days will have elapsed under the Speedy Trial Act as of the time of the Initial Pretrial Conference on February 10, 2005, and request that the Court issue an order indicating that the time periods described above are excludable pursuant to 18 U.S.C. § 3161.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By:


Thomas J. O'Connor, Jr.
Assistant U.S. Attorney

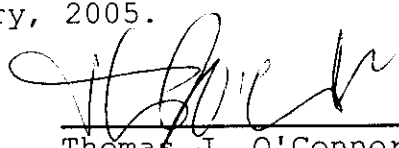
Dated: January 10, 2004

CERTIFICATE OF SERVICE

This is to certify that I have this day served upon the person listed below a copy of the foregoing document by depositing in the United States mail a copy of same in an envelope bearing sufficient postage for delivery:

Atty. Elaine M. Pourinski
13 Old South Street
Northampton, MA 01060

This 10th day of January, 2005.


Thomas J. O'Connor, Jr.
ASSISTANT U.S. ATTORNEY